

# News from the FPPC



California Fair Political Practices Commission  
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For Immediate Release: July 21, 2016      Contact: Jay Wierenga at (916) 322-7761

The following are enforcement decisions approved by the Fair Political Practices Commission at its regular monthly meeting held on Thursday, July 21, 2016. Decisions are listed by category and include a brief summary of each case and the total amount of any administrative fine in each case.

Additional information on each of the enforcement cases listed below can be found in the July agenda on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov). FPPC agendas are distributed and posted on the agency website at least 10 days prior to each monthly meeting.

The web version of the agenda includes links to the stipulations agreed to between the FPPC Enforcement Division and the individuals and organizations subject to the fines, or the default decisions proposed to the Commission. Exhibits in support of the stipulations and proposed default decisions are also available on the website. If you or need further assistance, please contact the FPPC communications office at (916) 322-7761 or [press@fppc.ca.gov](mailto:press@fppc.ca.gov).

## Laundered Campaign Contributions

In 2015, proactive efforts by the Enforcement Division detected a pattern of activity that led to the opening of this case and working in coordination with the City of Oakland Public Ethics Commission. McWane, Inc. is a large manufacturer of iron water works and plumbing products. One of its divisions, AB&I Foundry, is headquartered in Oakland, California. This joint investigation uncovered 37 laundered campaign contributions, totaling \$23,900, by AB&I through 17 officers (employees and their spouses) to four Oakland mayoral candidates and two city council candidates from 2012 through 2014, in violation of Government Code Section 84301 (20 counts). **Fine: \$100,000.**

## Conflict of Interests

Jonathan Sharkey, a member of the Port Hueneme City Council, made a governmental decision on November 9, 2015 in which he had a financial interest. Sharkey voted to approve the 2015-2016 city budget and Capital Improvement Program which included funding for park improvement projects at two parks located within 500 feet of Sharkey's residence, in violation of Government Code Section 87100 (1 count). **Fine: \$3,000.**

## **Lobbying Reporting**

Lyft, Inc., a lobbyist employer, failed to timely file five lobbyist employer reports in violation of Government Code Sections 86115, 86116, and 86117 (3 counts). **Fine: \$6,000.**

Bloomstine & Bloomstine, a lobbying firm, failed to timely file five lobbying firm reports in violation of Government Code section 86117 (5 counts). **Fine: \$1,297**

## **Advertisement Disclosures**

In 2012, Carlos Villapudua and Steve Bestolarides were San Joaquin County Supervisors. Central Valley PAC – California, Yes on Measure D was a primarily formed ballot measure committee that supported San Joaquin County Measure D in the November 2012 Election and would have increased term limits for members of the San Joaquin County Board of Supervisors. The PAC qualified as a controlled committee with Villapudua and Bestolarides having significant influence. In 2012, the PAC spent approximately \$26,465 on advertisements for Measure D. The last names of Villapudua and Bestolarides, as controlling candidates, should have been included in the name of the PAC for purposes of the required disclosures for these advertisements, but were omitted, in violation of Government Code Section 84504 subdivision (c) (1 count). **Fine: \$26,000.**

## **Mass Mailings**

Californians for Good Schools and Good Jobs, a general purpose committee, identified itself as the sender on two sets of mass mailings sent to residents of the City of Rialto in 2012. The true sender of the mass mailings was Phillips 66, an energy company based in Houston, Texas, in violation of Government Code Section 84305, subdivision (a) (2 counts). The Committee and its treasurer, Shawnda Deane, inaccurately reported a payment from Phillips 66 for the two sets of mass mailings on their semiannual campaign statement, in violation of Government Code Section 84211 (1 count), and inaccurately reported the resulting expenditures on a late independent expenditure report, in violation of Government Code Section 84204 (1 count). **Fine: \$16,000.**

The El Monte City School District produced and sent approximately 19,009 copies of a brochure at public expense, featuring the photographs and names of the members of the governing board, in violation of Government Code Section 89001 (1 count). **Fine: \$2,000.**

The El Monte Union High School District produced and sent approximately 5,000 copies of a booklet at public expense containing quotations from and credits to two members of the governing board obtained for the purpose of inclusion in the mailer, in violation of Government Code Section 89001 (1 count). **Fine: \$2,000.**

## Campaign Statement Non-Filers and Non-Reporters

Fred Garcia was an unsuccessful candidate for Monterey County Sheriff in 2014. Fred Garcia for Sheriff 2014 was his candidate controlled committee. Garcia, Fred Garcia for Sheriff 2014, and Treasurer Jeff Davis, failed to timely amend their statement of organization to re-designate Fred Garcia for Sheriff 2010 for the 2014 election, in violation of Government Code Section 84103, subdivision (a) (1 count); failed to timely file one semiannual and one pre-election campaign statement by their 2014 due dates, in violation of Government Code Sections 84200, subdivision (a), 84200.5, subdivision (a), and 84200.7, subdivision (a) (1 count); and failed to maintain supporting records for contributions and loans received and expenditures made, in violation of Government Code Section 84104 (1 count). Garcia also failed to timely file a statement of intention prior to soliciting or receiving any contributions or loans for his 2014 campaign, in violation of Government Code Section 85200 (1 count). **Fine: \$8,500.**

Tulare County Democratic Central Committee and Treasurer Ruben Macarena failed to timely file and properly disclose on one pre-election and seven semiannual campaign statements covering the period of July 1, 2013 through December 31, 2015, in violation of Government Code Sections 84200, 84200.5, and 84211 (7 counts). **Fine: \$3,179.**

### Campaign Statement Non-Filers

This case arose from an audit performed by the Enforcement Division. Betty T. Yee was a candidate for State Controller in the June 3, 2014 Primary Election and November 4, 2014 General Election, and Betty T. Yee for State Controller 2014 was her candidate controlled committee. Betty T. Yee and Betty T. Yee for State Controller 2014 failed to file six 24-Hour Reports and one \$5,000 Report, in violation of Government Code Sections 84203 and 85309 (7 counts). **Fine: \$2,082.**

Sonoma County Deputy Sheriffs Association PAC, a county general purpose committee, failed to timely file one pre-election and six semiannual campaign statements covering the period of July 31, 2013 through February 1, 2016, in violation of Government Code Sections 84200 (6 counts) and 84200.5 (1 count). **Fine: \$1,582.**

Martha McClure was a successful candidate for Del Norte County Supervisor in the June 5, 2012 Primary Election. Re-Elect Martha McClure was her candidate controlled committee. McClure and Re-Elect Martha McClure failed to timely file six consecutive semiannual campaign statements for the reporting period of January 1, 2013 through December 31, 2015, in violation of Government Code Section 84200 (6 counts). **Fine: \$1,215.**

Roberto Cruz, a member of the El Monte City School District governing board, failed to timely file an Officeholder Campaign Statement Short Form (Form 470) for the years of 2014 through 2015, in violation of Government Code Section 84206 (1 count). **Fine: \$1,000.**

Jim Kelly was a successful candidate for re-election to the Grossmont Union High School Board in the November 4, 2014 General Election. Jim Kelly for Grossmont Union High School Board 2014 is his controlled recipient committee. Kelly is treasurer of the committee. Kelly and the committee failed to timely file one semiannual campaign statement for the period of October 19, 2014 through December 31, 2014, in violation of Government Code Section 84200 subdivision (a) (1 count). **Fine: \$1,000.**

Hugo M. Rojas, a member of the Centinela Valley Union High School District Board, failed to timely file an Officeholder Campaign Statement Short Form (Form 470) for the year of 2015, in violation of Government Code Section 84206 (1 count). **Fine: \$1,000.**

National Electrical Contractors Association (Santa Clara Valley Chapter) Political Action Committee aka NECA-Santa Clara PAC, a state general purpose committee, and Treasurer W. Thomas Barrow, failed to timely file one semiannual and three pre-election campaign statements covering the period of January 31, 2014 through October 23, 2014, in violation of Government Code Sections 84200 (1 count) and 84200.5 (3 counts). **Fine: \$897.**

Amy Hanacek was a successful candidate for Capistrano Unified School District Trustee in the November 6, 2012 General Election and is up for re-election in the upcoming November 8, 2016 General Election. Amy Hanacek for Capistrano Unified School District in 2016 is her candidate controlled committee. Hanacek and Amy Hanacek for Capistrano Unified School District in 2016 failed to timely file a candidate intention statement, statement of organization, and a semiannual campaign statement for the reporting period of July 1, 2015 through December 31, 2015, in violation of Government Code Sections 85200, 84101, and 84200 (3 counts). **Fine: \$617.**

Cynthia Koehler is on the Marin Water District Board. Kohler for Water Board 2010 is her candidate-controlled committee. Koehler, Kohler for Water Board 2010, and Treasurer Jeannine Berman failed to timely file two semiannual campaign statements covering the periods of July 1, 2014 through December 31, 2014, and July 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (2 counts). **Fine: \$400.**

Huong Nguyen, a successful candidate for Trustee of San Jose/Evergreen Community College District; her committee, Huong Nguyen for Trustee 2014; and Treasurer Anna Lisa Wilson failed to timely file one semiannual campaign statement covering the period of July 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (1 count). **Fine: \$400.**

Tali Rapaport failed to timely file one Major Donor Committee Campaign Statement (Form 461) for the period of January 1, 2014 through December 31, 2014, in violation of Government Code Section 84200 (1 count). **Fine: \$373.**

Kathlene Carlson and her candidate controlled committee Carlson for Supervisor 2014 failed to timely file a semiannual campaign statements for the period of October 1, 2014

through December 31, 2014, in violation of Government Code Sections 84200 (1 count). **Fine: \$228.**

United Public Employees Political Action Committee is a state general purpose committee. Danette Shipley is the committee treasurer. United Public Employees Political Action Committee failed to timely file a pre-election campaign statement for the reporting period of October 1, 2012 through October 20, 2012, in violation of Government Code Section 84200.5 (1 count). **Fine: \$220.**

Ken Dauber, a successful candidate for Palo Alto Unified School District Board, his committee, Ken Dauber for School Board 2014, and Treasurer Sally Bemus failed to timely file one semiannual campaign statement covering the period of July 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (1 count). **Fine: \$200.**

Emily Ortiz Wichmann and Re-Elect Emily Ortiz Wichmann Oside Unified School Board 2014 failed to timely file one semiannual campaign statement for the period of January 1, 2015 through June 30, 2015, in violation of Government Code Section 84200 (1 count). **Fine: \$200.**

David Gerard, a board member for the Morgan Hill Unified School District in the County of Santa Clara, failed to timely file one semiannual campaign statement covering the period of July 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (1 count). **Fine: \$200.**

### **Campaign Statement Non-Reporters**

Miguel Pulido was re-elected Mayor of Santa Ana in the November 4, 2014 General Election. Pulido for Mayor 2014 was his candidate controlled committee. Miguel Pulido and Pulido for Mayor 2014 failed to report accrued expenses on four consecutive campaign statements, in violation of Government Code Section 84211 (4 counts). **Fine: \$1,366.**

Yes on 37 Lake County, a state primarily formed committee in support of California Proposition 37, failed to timely report an \$8,000 contribution on the committee's pre-election statement, in violation of Government Code Section 84211 (1 count). **Fine: \$280.**

### **Statement of Economic Interest Non-Filers**

Harold Tate, a physician and surgeon in the California Correctional Health Care Services, failed to timely file a 2013 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$5,000.**

Casey Dailey, a Planning Commissioner for the City of San Bernardino, failed to timely file his 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Fine: \$500**

Jay Strauss, a Planning Commissioner for the City of Novato, failed to timely file his 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Fine: \$500.**

Ann H. Rutherford, an Assigned Retired Judge in Butte County, failed to timely file her 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Fine: \$500.**

Francis Ysaguirre, an Electrical Engineering Associate with the City of Los Angeles, failed to timely file his 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$400.**

Rahul Jha, a consultant for the Department of Motor Vehicles Information Systems Division, failed to timely file his Assuming Office Statement of Economic Interests and 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Fine: \$400.**

Terry Cox, as a Board Member of the Fresno County Central Unified School Board, failed to timely file her 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine \$400.**

Joe DeHoog, a member of the Department of Food and Agriculture Milk Producer Review Board, failed to timely his 2013 and 2014 Annual Statements of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Fine: \$400.**

Jeff Menge, a member of the Redevelopment Oversight Board for the City of Galt, failed to timely file his Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$200.**

Brett Johnson, a Planning Commissioner for the City of Vacaville, failed to timely his 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Fine: \$200.**

Dung Tran, a Civil Engineer with the City of Los Angeles, failed to timely file his 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$200.**

Deepak Kaushik, a consultant for the City of Chino Hills, failed to timely file his Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$200.**

Mbete Kimaba, a Health Services Administrator in the California Correctional Health Care Services, failed to timely file an Assuming Office Statement of Economic Interests covering the period of November 12, 2012 through November 12, 2013, in violation of Government Code Section 87300 (1 count). **Fine: \$200.**

### **Statement of Economic Interests Non-Reporters**

James Larry Minor, a member of the Board of Directors for the Lake Hemet Municipal Water District and for the Valley-Wide Recreation and Park District, failed to disclose his interests in business entities, real property and sources of income on his 2012, 2013 and 2014 Annual Statements of Economic Interests, in violation of Government Code Sections 87206 and 87207 (6 counts). **Fine: \$6,000.**

James Spering, a Solano County Supervisor, failed to timely and adequately disclose his interests in real property on his 2012 and 2013 Annual Statements of Economic Interests, in violation of Government Code Section 87206 (2 counts). **Fine: \$200.**

James Fang, a director on the Bay Area Rapid Transit (BART) Board, failed to timely disclose his income from rental property on his 2013 Annual Statement of Economic Interests and his Leaving Office Statement of Economic Interests, in violation of Government Code Section 87207 (2 counts). **Fine: \$200.**

Robert Williams, a Candidate for Assembly District 71, failed to disclose his pro-rata share of sources of income of \$10,000 or more from Leo Hamel Fine Jewelers on his Candidate Statement of Economic Interests, in violation of Government Code Section 87207 (1 count). **Fine: \$100.**

### **Annual Fee**

Carson Citizens for Reform and Treasurer Vera Robles De Witt failed to pay the 2014 \$50.00 Annual Fee to the Secretary of State's Office, in violation of Government Code Section 84101.5 (1 count). **Fine: \$400.**

California Great Bear Republic PAC, a general purpose committee, and Treasurer Eldon Alexander failed to pay the 2013 \$50 Annual Fee to the Secretary of State's Office, in violation of Government Code Section 84101.5 (1 count). **Fine: \$400.**